

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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In re:

DIGITAL MEDIA SOLUTIONS, INC., *et al.*,<sup>1</sup>

Debtors.

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)  
) Chapter 11  
)  
) Case No. 24-90468 (ARP)  
)  
) (Jointly Administered)  
)

**DEBTORS' AGENDA OF MATTERS SET FOR VIRTUAL HEARING  
ON OCTOBER 16, 2024 AT 1:00 P.M. (PREVAILING CENTRAL TIME)**

TO THE HONORABLE ALFREDO R. PEREZ:

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) file this Agenda of matters set for *hybrid hearing* on **October 16, 2024 at 1:00 p.m. (prevailing Central Time)** (the “Hearing”) before the Honorable Judge Alfredo R. Perez, United States Bankruptcy Judge, Courtroom 400, 515 Rusk Street, Houston, Texas 77002:

**A. Motions**

1. **Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors, Foreign Claimants and (II) Granting Related Relief [Docket No. 8].**

**Status:** Going forward.

**Related Documents:**

- a. **Interim Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors and Foreign Claimants and (II) Granting Related Relief [Docket No. 65].**
- b. **Second Interim Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors and Foreign**

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<sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors' claims and noticing agent at <https://omniagentsolutions.com/DMS>. The location of Debtor Digital Media Solutions, Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 4800 140th Avenue North, Suite 101, Clearwater, Florida 33762.

Claimants and (II) Granting Related Relief [Docket No. 171].

2. Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Senior Secured Priming Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 18].

Status: Going forward.

**Related Documents:**

- a. Declaration of Ryan Sandahl in Support of the Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Senior Secured Priming Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 19].
  - b. Declaration of Zachary Rose in Support of the Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Senior Secured Priming Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 20].
  - c. Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Senior Secured Priming Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection to the Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 66].
3. Debtors' Motion for Entry of an Order (I) Approving the Bidding Procedures, (II) Scheduling Certain Dates with Respect Thereto,

**(III) Approving the Form and Manner of Notice Thereof, (IV) Approving the Stalking Horse Agreement and Expense Reimbursement, (V) Establishing Notice and Procedures for the Assumption and Assignment of Executory Contracts and Unexpired Leases, (VI) Authorizing the Assumption and Assignment of Assumed Executory Contracts and Unexpired Leases, (VII) Authorizing the Sale of Assets, and (VIII) Granting Related Relief [Docket No. 22].**

**Status:** Going forward. Cigna objection to be resolved via supplemental language in a revised form of order.

**Related Documents:**

- a. Declaration of Ryan Sandahl in Support of Debtors' Motion for Entry of an Order (I) Approving the Bidding Procedures, (II) Scheduling Certain Dates with Respect Thereto, (III) Approving the Form and Manner of Notice Thereof, (IV) Approving the Stalking Horse Agreement and Expense Reimbursement, (V) Establishing Notice and Procedures for the Assumption and Assignment of Executory Contracts and Unexpired Leases, (VI) Authorizing the Assumption and Assignment of Assumed Executory Contracts and Unexpired Leases, (VII) Authorizing the Sale of Assets, and (VIII) Granting Related Relief [Docket No. 23].**
- b. Objection of Cigna to Debtors' Motion for Entry of an Order (I) Approving the Bidding Procedures, (II) Scheduling Certain Dates with Respect Thereto, (III) Approving the Form and Manner of Notice Thereof, (IV) Approving the Stalking Horse Agreement and Expense Reimbursement, (V) Establishing Notice and Procedures for the Assumption and Assignment of Executory Contracts and Unexpired Leases, (VI) Authorizing the Assumption and Assignment of Assumed Executory Contracts and Unexpired Leases, (VII) Authorizing the Sale of Assets, and (VIII) Granting Related Relief [Docket No. 134].**
- c. Notice of Filing the Form of Sale Order in Connection with the Stalking Horse Agreement [Docket No. 177].**
- d. Omnibus Objection of the Official Committee of Unsecured Creditors to Debtors' Emergency Motions to Obtain Post-Petition Debtor-in-Possession Financing and Approve Bidding Procedures [Docket No. 180].**
- e. Declaration of John P. Madden in Support of Omnibus Objection of the Official Committee of Unsecured Creditors**

to Debtors' Emergency Motions to Obtain Post-Petition Debtor-in-Possession Financing and Approve Bidding Procedures [Docket No. 181].

4. Debtors' Motion for Entry of an Order (I) Authorizing, Effective *Nunc Pro Tunc* to the Petition Date, (A) the Rejection of Certain Unexpired Leases and (B) Abandonment of Certain Personal Property, and (II) Granting Related Relief [Docket No. 24].

Status: Going forward.

**Related Documents:**

- a. Limited Objection and Reservation of Rights of Landlord 225 Broadway LLC to Debtor's Motion for Entry of an Order (I) Authorizing, Effective *Nunc Pro Tunc* to the Petition Date, (A) the Rejection of Certain Unexpired Leases and (B) Abandonment of Certain Personal Property, and (II) Granting Related Relief [Docket No. 146].
5. Debtors' Emergency Motion for Entry of a Second Order (I) Extending Time to File (A) Schedules and Statements and (B) Rule 2015.3 Financial Reports, and (II) Granting Related Relief [Docket No. 178].

Status: Going forward.

**B. General Related Documents**

1. Notice of Telephonic and Video Conference Hearing on October 8, 2024 at 1:00 P.M. (Prevailing Central Time) [Docket No. 117].
2. Debtors' Witness and Exhibit List for Hearing on October 8, 2024 at 1:00 P.M. (Prevailing Central Time) [Docket No. 151].
3. Notice of Adjournment of Hearing on Critical Vendors Motion, DIP Motion, Bidding Procedures Motion, and Lease Rejection Motion [Docket No. 158].
4. Official Committee of Unsecured Creditors' Witness and Exhibit List for Hearing Scheduled for October 16, 2024 [Docket No. 179].
5. Debtors' Amended Witness and Exhibit List for Hearing on October 16, 2024 at 1:00 P.M. (prevailing Central Time) [Docket No. 187].

Houston, Texas  
Dated: October 15, 2024

*/s/ John F. Higgins*

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**PORTER HEDGES LLP**

John F. Higgins (TX Bar No. 09597500)  
M. Shane Johnson (TX Bar No. 24083263)  
Megan Young-John (TX Bar No. 24088700)  
James A. Keefe (TX Bar No. 24122842)  
1000 Main St., 36th Floor  
Houston, Texas 77002  
Telephone: (713) 226-6000  
Facsimile: (713) 226-6248  
Email: [jhiggins@porterhedges.com](mailto:jhiggins@porterhedges.com)  
[sjohnson@porterhedges.com](mailto:sjohnson@porterhedges.com)  
[myoung-john@porterhedges.com](mailto:myoung-john@porterhedges.com)  
[jkeefe@porterhedges.com](mailto:jkeefe@porterhedges.com)

*Proposed Co-Counsel to the Debtors  
and Debtors in Possession*

**KIRKLAND & ELLIS LLP**

**KIRKLAND & ELLIS INTERNATIONAL LLP**

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)  
Elizabeth H. Jones (admitted *pro hac vice*)  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
Email: [joshua.sussberg@kirkland.com](mailto:joshua.sussberg@kirkland.com)  
[elizabeth.jones@kirkland.com](mailto:elizabeth.jones@kirkland.com)

-and-

Alexandra F. Schwarzman, P.C. (admitted *pro hac vice*)  
333 West Wolf Point Plaza  
Chicago, Illinois 60654  
Telephone: (312) 862-2000  
Facsimile: (312) 862-2200  
Email: [alexandra.schwarzman@kirkland.com](mailto:alexandra.schwarzman@kirkland.com)

*Proposed Co-Counsel to the Debtors  
and Debtors in Possession*

**Certificate of Service**

I certify that on October 15, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ John F. Higgins

John F. Higgins